

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Currently Amended): An image processing device for processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information for the image generating device at the time that the image data is generated, the image processing device comprising:

a judging section configured to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, the judging section performing (i) a first judgment to decide whether or not the image generation record information negates necessity of the backlight adjustment processing, and (ii) a second judgment, when in case the image generation record information does not negate the necessity of the backlight adjustment processing in the first judgment, to decide based on a pixel value histogram of the image data whether or not to execute the backlight adjustment processing, and the judging section calculating a degree of similarity between the pixel value histogram a predetermined reference histogram, and making the second judgment according to the degree of similarity ~~based on a pixel value histogram of the image data;~~ and

an image quality adjuster that, when in case it is decided to execute the backlight adjustment processing, executes backlight adjustment processing to increase brightness value of at least some pixels in the image data.

Claim 2 (Withdrawn). An image processing device according to claim 1, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the judging section uses the subject position information in executing the backlight decision.

Claim 3 (Withdrawn): An image processing device according to claim 2, wherein the judging section analyses the image data with a weight distribution that has different magnitudes at the subject position and other positions, and execute the backlight decision according to the analysis result.

Claim 4 (Withdrawn): An image processing device according to claim 1, wherein
when the image generation record information includes flash information of a supplemental light source at the time of generation of the image data, the judging section decides based on the flash information whether illumination with light by the supplemental light source has been performed at the time of generation of the image data, and uses a result of this decision in executing the backlight decision.

Claim 5 (Withdrawn): An image processing device according to claim 4, wherein
the judging section, based on the flash information, is able to identify one among available operation results of the supplemental light source at the time of generation of the image data, and
the judging section executes the backlight decision based on brightness values of the image data when the operation result is one of the following results:

- (i) no supplemental light source is provided;
- (ii) (ii) the supplemental light source is not fired; and
- (iii) (iii) the supplemental light source is fired, and reflected light is detected.

Claim 6 (Withdrawn): An image processing device according to claim 5, wherein
the image generation record information further includes information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and
the judging section performs:
comparing the subject distance to a predetermined threshold value when the supplemental light source operation result is not any of the results (i), (ii) and (iii);
executing the backlight decision using the brightness values of the image data when a decision that the subject distance is equal to or greater than the predetermined threshold value; and
deciding not to execute the backlight adjustment processing when a decision that the subject distance is less than the predetermined threshold value.

Claim 7 (Withdrawn): An image processing device according to claim 1, wherein
when the image generation record information includes information relating to
location of the subject of the image data, the judging section decides whether the subject
location is an outdoor location, and executes the backlight decision depending on the decision
result.

Claim 8 (Withdrawn): An image processing device according claim 7, wherein
when a decision that the subject location is an outdoor location is made, the judging
section executes the backlight decision using brightness values of the image data.

Claims 9 and 10 (Canceled).

Claim 11 (Currently Amended): ~~The An~~ An image processing device according to claim 10 ~~1~~,
wherein
the pixel value histogram and the reference histogram each have a simplified format in
which a range of pixel values is divided into a plurality of segments, and a representative
pixel frequency value is established for each segment; and
the degree of similarity represents similarity of the representative pixel frequency
value of each segment between the pixel value histogram and the reference histogram.

Claim 12 (Withdrawn). An image processing device according to claim 1, wherein
the image quality adjuster determines intensity of the backlight adjustment processing
based on both the image generation record information and the image data.

Claim 13 (Withdrawn): An image processing device according to claim 12, wherein
when the image generation record information includes subject position information
indicating a position of a subject in the image, the image quality adjuster analyses the image
data with a weight distribution that has different magnitudes at the subject position and other
positions, and determines intensity of the backlight adjustment processing according to the
analysis result.

Claim 14 (Canceled).

Claim 15 (Currently Amended): A method of processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information for the image generating device at the time that the image data is generated, the method comprising ~~the steps of:~~

(a) executing a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, the executing of the backlight decision including (i) performing a first judgment to decide whether or not the image generation record information negates necessity of the backlight adjustment processing; and (ii) performing a second judgment, ~~when in case~~ the image generation record information does not negate the necessity of the backlight adjustment processing in the first judgment, to decide based on a pixel value histogram of the image data whether or not to execute the backlight adjustment processing, and the executing of the backlight decision further including calculating a degree of similarity between the pixel value histogram and a predetermined reference histogram, and making the second judgment according to the degree of similarity ~~based on a pixel value histogram of the image data;~~ and

~~(b) when in case~~ it is decided to execute the backlight adjustment processing, executing backlight adjustment processing to increase brightness value of at least some pixels in the image data.

Claim 16 (Withdrawn). A method according to claim 15, wherein

when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information.

Claim 17 (Withdrawn): A method according to claim 16, wherein

the step (a) includes analyzing the image data with a weight distribution that has different magnitudes at the subject position and other positions, and executing the backlight decision according to the analysis result.

Claim 18 (Withdrawn): A method according to claim 15, wherein

when the image generation record information includes flash information of a supplemental light source at the time of generation of the image data, the step (a) includes deciding based on the flash information whether illumination with light by the supplemental light source has been performed at the time of generation of the image data, and executing the backlight decision using a result of this decision.

Claim 19 (Withdrawn): A method according to claim 18, wherein

the step (a) includes, based on the flash information, identifying one among available operation results of the supplemental light source at the time of generation of the image data, and the step (a) includes executing the backlight decision based on brightness values of the image data when the operation result is one of the following results:

- (i) no supplemental light source is provided;
- (ii) the supplemental light source is not fired; and
- (iii) the supplemental light source is fired, and reflected light is detected.

Claim 20 (Withdrawn): A method according to claim 19, wherein

the image generation record information further includes information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and

the step (a) includes:

comparing the subject distance to a predetermined threshold value when the supplemental light source operation result is not any of the results (i), (ii) and (iii);

executing the backlight decision using the brightness values of the image data when a decision that the subject distance is equal to or greater than the predetermined threshold value; and

deciding not to execute the backlight adjustment processing when a decision that the subject distance is less than the predetermined threshold value.

Claim 21 (Withdrawn): A method according to claim 15, wherein
when the image generation record information includes information relating to location of the subject of the image data, the step (a) includes deciding whether the subject location is an outdoor location, and executing the backlight decision depending on the decision result.

Claim 22 (Withdrawn): A method according claim 21, wherein
when a decision that the subject location is an outdoor location is made, the step (a) includes executing the backlight decision using brightness values of the image data.

Claims 23 and 24 (Canceled).

Claim 25 (Currently Amended): The A method according to claim 24 15, wherein
the pixel value histogram and the reference histogram each have a simplified format in which a range of pixel values is divided into a plurality of segments, and a representative pixel frequency value is established for each segment; and
the degree of similarity represents similarity of the representative pixel frequency value of each segment between the pixel value histogram and the reference histogram.

Claims 26 (Withdrawn). A method according to claim 15, wherein
the step (a) includes determining intensity of the backlight adjustment processing based on both the image generation record information and the image data.

Claim 27 (Withdrawn): A method according to claim 26, wherein
when the image generation record information includes subject position information indicating a position of a subject in the image, the step (b) includes analyzing the image data with a weight distribution that has different magnitudes at the subject position and other positions, and determining intensity of the backlight adjustment processing according to the analysis result.

Claim 28 (Canceled).

Claim 29 (Currently Amended): A computer-readable storage medium encoded with a computer program, the computer program comprising:

a first program causing a computer to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, the first program causing the computer to perform (i) a first judgment to decide whether or not the image generation record information negates necessity of the backlight adjustment processing, and (ii) a second judgment, ~~when in case~~ the image generation record information does not negate the necessity of the backlight adjustment processing in the first judgment, to decide based on a pixel value histogram of the image data whether or not to execute the backlight adjustment processing, and the first program further causing the computer to calculate a degree of similarity between the pixel value histogram and a predetermined reference histogram, and to make the second judgment according to the degree of similarity ~~based on a pixel value histogram of the image data;~~ and

a second program, ~~when in case~~ it is decided to execute the backlight adjustment processing, causing the computer to execute backlight adjustment processing to increase brightness value of at least some pixels in the image data.